

CITY COUNCIL, CITY OF LODI  
COUNCIL CHAMBER, CITY HALL  
APRIL 16, 1958

This regular meeting of the City Council of the City of Lodi held beginning at 8:00 o'clock p.m. of Wednesday, April 16, 1958; Councilmen Brown, Culbertson, Mitchell, Robinson and Katzakian (Mayor) present; none absent. City Manager Graves and City Attorney Mullen present.

On the motion of Councilman Mitchell, Robinson second, the minutes of April 2, 1958, were approved as written and mailed.

## PUBLIC HEARINGS

REZONING S.  
STOCKTON ST.

ORD. NO. 614  
INTRODUCED

Mayor Katzakian called for public hearing on the rezoning of the west side of Stockton Street from Cherry Drive to Kettleman Lane from R-3 and R-4 Residential to M Industrial. There being no protests, either written or oral, and the City Planning Commission having recommended such rezoning, Ordinance No. 614, approving the requested rezoning, was introduced on motion of Councilman Brown, Mitchell second.

HOEGERMAN  
APPEAL  
DENIED

The Mayor then called for public hearing on the appeal of William C. Hoegerman of the action of the City Planning Commission in denying his request for a variance to re-establish a non-conforming used car lot at 511 West Lodi Avenue in the C-1 Commercial zone. The City Manager read a report from the Planning Director stating the Planning Commission had denied the request because no evidence of undue hardship had been presented and the Commission believes that auto sales lots and garages should not be authorized on West Lodi Avenue. Mr. Robert Mertz, 404 West Pine Street, spoke in behalf of Mr. Hoegerman who was unable to be present. He stated that consideration should be given to the fact that Hoegerman had obtained his permit for a used car lot before the present ordinance went into effect and that \$7000 had been spent to develop the property as a used car lot. The tenant had a five-year lease which was terminated at the end of two years. For the past year it has been used as a parking lot, but this has been discontinued. After considerable discussion among Council members, Councilman Robinson moved that the request for a variance to re-establish a used car lot with the same conditions required for the original permit be granted. The motion was seconded by Councilman Brown and lost by the following vote:

AYES: Councilmen - Brown and Robinson

NOES: Councilmen - Culbertson, Mitchell  
and Katzakian

ABSENT: Councilmen - None

(Councilman Mitchell voted after being assured by the City Attorney that since he had no direct interest in the matter, he had no valid reason for abstaining from voting.)

WERNER APPEAL  
 TEMPORARY  
 VARIANCE  
 GRANTED

Mayor Katzakian called for public hearing on the appeal of Ed Werner, Werner's Manufacturing Company, of the action of the City Planning Commission in denying a request for continuation of a variance permit which had expired on February 13, 1958. The appeal had been amended to request a temporary variance to allow the Company a little more time to move to another location. The City Manager read the report of the Planning Commission which had denied the request for a permanent variance on the grounds that the previous hardship no longer existed and that a non-conforming use should not be allowed to expand. They also denied the request for a temporary variance as they felt sufficient time had already been given for moving to another location. Mr. Werner appealed to the Council to allow a temporary extension of his variance, which pertains to an underground painting room, stating that it would cost him between \$1500 and \$2,000 to move his equipment upstairs and that such a move would aggravate the nuisance factors. He stated that he had every intention of selling the property. Mr. Lee Wagner, 721 York Street, on behalf of Mrs. Duerksen, 715 and 711 York Street, spoke against the request, stating that noises and fumes from the factory were a nuisance and that if the variance were allowed, it would set a precedent and that the value of surrounding property would be decreased. Mr. Eugene Fontas, 518 York Street, stated that a petition had been signed by 50 people in protest of any expansion because of the traffic, noise and fumes caused by the operation. Mr. L. H. Lukens, 547 Park Street, spoke in behalf of Mr. Werner, saying that the fumes would be less if the variance were granted because the painting operation would not have to be moved upstairs, and that Mr. Werner should be helped. Mr. Boyd Martin, 715 Park Street, concurred with Mr. Lukens. Mr. Werner emphasized that he was asking for a temporary variance of six months and that he would make no further request in the event his operations were not moved by the end of that period. Councilman Culbertson, stating that denial of the request would work a hardship on the applicant and would also result in added nuisance to the neighborhood, moved that a temporary variance of six months from April 16, 1958, be granted which would be restricted to Mr. Werner, that at the end of that time the room be locked, and that Mr. Werner would not be allowed to ask for a continuation of the variance. The motion was seconded by Councilman Robinson, and carried unanimously.

PLANNING COMMISSION

FINAL MAP  
 KIRST ESTATES  
 NO. 3

The final map of Kirst Estates No. 3 was submitted for approval. On motion of Councilman Brown, Mitchell second, the Council approved the map and authorized the Mayor to sign. The acceptance of the streets offered for dedication is subject to improvement of the streets to City standards before they will be maintained by the City.

REZONING  
505 W.  
KETTLEMAN

The Planning Commission recommended to the City Council that the property at 505 West Kettleman Lane be rezoned from R-3 Residential to C-2 Commercial. On motion of Councilman Brown, Mitchell second, the Council set the matter for public hearing on May 7, 1958, with the provision that cash or bond be put up to cover the cost of a fence which Mr. Norris Keiswig, owner of the property, has indicated he expects to put up along the west and north boundaries of the lot. The cost of erecting a fence was estimated at \$3.00 a foot.

COMMUNICATIONS

AEC LICENSES

The following notices of applications for transfer of Alcoholic Beverage Licenses were received:

1. On Sale Beer and Wine from Richard Falles-teros, 442 South Main Street.
2. On Sale Beer and Wine from Charles E. Owsley and Eva M. Owsley, 5 East Elm Street.
3. On Sale Beer from Henry Peden, 15 North Sacramento Street.

PARKING  
TOKENS

Letter from the Lodi District Chamber of Commerce reporting results of balloting on the "parking token" question by members of the Retail Division. The merchants voted against having tokens.

FUNDS FOR  
FLOOD DAMAGE

Letter from Assemblyman William Biddick, Jr., stating that State funds would be available for repairs for flood damage which might occur up to July 1, 1958.

CVD LCC  
MEETING

Notice from the City of Merced that the next Quarterly Meeting of the Central Valley Division of the League of California will be held in Merced, on Thursday, April 24, 1958.

ABANDON POR.  
MAPLE ST.

Request from Stokely-Van Camp, Inc., that the City abandon that portion of Maple Street which lies west of Stockton Street and east of the Southern Pacific Railroad and is now surrounded by Stokely-Van Camp property. On motion of Councilman Robinson, Brown second, the Council adopted Resolution No. 2115 setting the public hearing for May 21, 1958. Stokely-Van Camp is to be notified that costs of the proceedings are to be borne by the company.

RES. OF INT.  
NO. 2115

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$378,517.77 were approved on the motion of Councilman Mitchell, Brown second.

LODI AVENUE  
WIDENING

The City Manager presented five deeds for property on the north side of Lodi Avenue between Rose Street and Orange Avenue which are required for widening Lodi Avenue. The City Manager recommended that the deeds be accepted subject to the payment of widening costs by the City. On motion of Councilman Mitchell, Culbertson second, the deeds were accepted under the conditions specified.

PARKING DISTRICT NO. 1 BUILDING REMOVAL No bids were received for removal of the two houses on the property at the northeast corner of Walnut Street and Church Street which is to be improved as a parking lot for Parking District No. 1. The City Manager recommended that the City Engineer be authorized to sell or dispose of the houses. On motion of Councilman Mitchell, Brown second, the Council authorized the City Engineer to negotiate the removal of the buildings.

PARKING DIST. NO. 1 VACATION OF HINES AND RICHFIELD OIL The City Manager reported that specifications and notices for the sale of the Martz apartment and two garages had been prepared and he recommended that the City call for bids on May 6. On motion of Councilman Mitchell, Robinson second, the City Council authorized advertising for bids on these buildings. Councilman Brown, Mitchell second, moved that notices be given to the tenants for vacation of the Hines apartments by June 4. Motion carried. On motion of Councilman Culbertson, Robinson second, the Council moved that the Richfield Oil Company be given notice to vacate the property at the southeast corner of Church and Pine Streets by September 15.

UNUSED DRIVEWAYS The City Manager presented a report on the unused driveways in the downtown area. On motion of Councilman Robinson, Mitchell second, the matter was deferred to the meeting of May 7, 1958.

SPECIAL CENSUS REPORT Mr. Graves reported that the official report on the special census conducted in March by the Bureau of the Census placed the population of the City of Lodi at 20,100.

LOADING ZONE FOR PETER PAN SCHOOL RES. NO. 2116 ADOPTED The County Superintendent of Schools requested that a passenger loading zone be established at the northwest corner of the Boy Scout Center for use of the children attending the Peter Pan School at the Center. On recommendation of the Director of Public Works, the City Council established a 35-foot white passenger loading zone on the south side of Locust Street adjacent to the west side of the Center building on motion of Councilman Brown, Mitchell second by adopting Resolution No. 2116.

SCHWARTZ DRIVEWAY REQUEST REFERRED BACK TO CITY ENG'R The City Manager stated that a request had been received from Fred Schwartz, owner of the apartment house immediately south of the Mason Hospital on South School Street, that he be granted an additional 12-foot driveway, to be placed on the north side of his building. At the present time there is a driveway on the south side of the building which permits parking of two cars in a car port. If the City permits the driveway on the north side of the building, an additional five cars will be able to park at the rear of the apartment. The extra driveway would eliminate the street parking stall, but the City Engineer recommended that the driveway be granted since it would provide additional off-street parking. On motion of Councilman Robinson, Mitchell second, the Council referred the matter back to the City Engineer with the request that he restudy the area with the view of securing one parking stall between the proposed driveway and Mason Hospital, providing part of the loading zone in front of the hospital could be eliminated.

R/W ON S. SACTO. The City Manager presented a deed from the  
ST. FROM PG&E Pacific Gas and Electric Company for a  
25 x 200 foot right of way on South Sacra-  
mento Street dedicated with the understand-  
ing that the City would install curb,  
gutter, sidewalk, paving and would bear  
cost of relocating the fence. This property  
is required for widening of the street.  
On motion of Councilman Robinson, Brown  
second, the Council approved acceptance  
of the deed subject to the conditions out-  
lined.

PUC CROSSING The City Manager stated that the City was  
PROTECTION FUND entitled to \$2,131.65 from the PUC Crossing  
RES. NO. 2117 Protection Fund for reimbursement on cost  
ADOPTED of crossing signals at the Turner-Mills-  
Holly intersection. On motion of Council-  
man Mitchell, Robinson second, the Council  
adopted Resolution No. 2117, authorizing  
the Mayor to make application to the Public  
Utilities Commission for the above mentioned  
sum.

DICKHOFF A request had been received from G.R.  
CONTRACT Dickhoff for extension of time on construction  
EXTENDED of the secondary clarifier at the Sewage  
Disposal Plant. The extension is being  
requested because Mr. Dickhoff will not  
receive the equipment before August 1, 1958,  
and he will need until September 4, 1958,  
to complete installation. The City Engineer  
and City Manager recommended that the  
extension be granted. On motion of Council-  
man Culbertson, Brown second, the Council  
extended the contract to September 4, 1958.

GOODMAN The City Manager reported that he had  
PROPERTY received a letter from John F. Capell stat-  
PARK SITE ing that Mr. Capell had purchased the Good-  
man property, part of which the City desired  
as a park site, and that he was willing to  
sell the City approximately five acres at  
the same price he had paid for it which was  
\$5,368 per acre. The City Manager suggested  
that the City wait until Mr. Capell had  
filed a map of the property before making  
the actual purchase. The Council concurred.

PLANNING Mayor Katzakian made the following appoint-  
COMMISSION ments to the City Planning Commission, the  
APPOINTMENTS Council having confirmed the appointments  
on motion of Councilman Mitchell, Robinson  
second:

Robert D. Houston to replace James F.  
Culbertson whose term would expire  
June 30, 1959.

Harold A. Kundert to replace Fred M.  
Brown whose term would expire June 30, 1960.

Councilman James F. Culbertson to replace  
Mayor Bozant Katzakian as ex officio  
member of the Commission.


BUS FARE  
INCREASE

The City Manager reported that the Lodi Transit System had not been in operation for several days because payment on the license plates for the bus had been in arrears. He also stated that a request had been received from Andrew Mehrer, owner of the system, for an increase in adult fares from 20¢ to 25¢ and in high school student fares from 10¢ to 15¢. Mr. Graves gave a short history of the bus system, reporting the financial difficulties encountered, recommendations of a committee which had studied the system in 1954, and increases in fares that have been granted. He then recommended that the present request for fare increase be approved. On motion of Councilman Mitchell, Brown second, the requested increases were granted by unanimous vote of the City Council.

SAN JOAQUIN  
AREA PLANNING  
COMMISSIONRES. NO. 2118  
ADOPTED

Mr. Graves presented a revised joint resolution to form the San Joaquin Area Planning Commission. This Commission is being established through the efforts of the Cities and County of San Joaquin Association and would compass the area of San Joaquin County. The City Council had approved formation of such a commission at its meeting of November 7, 1956. On motion of Councilman Culbertson, Robinson second, the City Council adopted Resolution No. 2118, adopting "A Joint Resolution Establishing the San Joaquin Area Planning Commission" and the operating contract attached thereto marked "Exhibit A".

The meeting adjourned at 11:35 p.m.

  
ATTEST: BEATRICE GARIBALDI  
City Clerk